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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 97-60023-1

GERALD L. JOHNSTON,

Defendant.

**REVOCATION OF SUPERVISED RELEASE AND
JUDGMENT AND COMMITMENT**

On September 4, 1997 defendant was placed on supervision for a period of three (3) years by The Honorable Michael R. Hogan, sitting in the court at Eugene, Oregon. General terms and conditions were imposed and adopted by the court as well as special terms and conditions as follows:

1. The defendant shall participate in a mental health treatment program approved by the probation officer.

The term of supervised release commenced on July 5, 2002.

**REVOCATION OF SUPERVISED RELEASE
AND JUDGMENT AND COMMITMENT - 1**

Certified to be a true and correct
copy of original filed in my office
Dated 1-15-03
By Shogelmeier Deputy

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On December 18, 2002 this court issued an amended petition for warrant and order to show cause why the term of supervised release should not be revoked based on the probation officer's allegation that defendant violated the following condition:

1. **Violation of Standard Condition No. 2 - New Law Violation - Robbery II, Kidnaping II and Attempting to Elude Police.** It is alleged that according to Oregon State Police (OSP) reports, on September 21, 2002 defendant was arrested following a pursuit that resulted in his vehicle becoming disabled. On September 27, 2002 a four-count Indictment was returned in the Circuit Court for Lane County, Case #20-02-18873 charging defendant with Robbery II, Kidnaping II, Attempting to Elude Police and Unauthorized Use of a Motor Vehicle. Pursuant to plea negotiations on November 4, 2002 defendant appeared in Lane County Circuit Court with counsel and entered a plea of guilty to all four counts as charged. He was sentenced to 152 months in state prison. The sentencing court also imposed a three-year term of post-prison supervision and ordered defendant to pay \$5,016.86 in fines and restitution.

On January 13, 2003 defendant appeared before The Honorable Michael R. Hogan and admitted that he did violate a condition of his supervised release as alleged by the probation officer.

THE COURT FINDS that the defendant has violated a condition of his supervised release as alleged in the probation officer's amended petition for warrant and order to show cause. This violation conduct constitutes a Grade A violation pursuant to Guideline § 7B1.1(a)(1). The Criminal History Category of the defendant at the time of sentencing was VI, resulting in an imprisonment range of 33 - 41 months. However, pursuant to 18 USC § 3583(e)(3) the court is limited to a 24-month maximum sentence because the instant offense was a Class D felony.

THE COURT FINDS that defendant has engaged in conduct which constitutes a violation of a condition of supervised release.

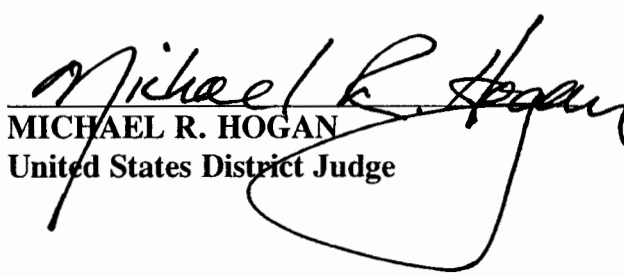
IT APPEARS TO THE COURT that the defendant is no longer amenable to supervision.

REVOCATION OF SUPERVISED RELEASE
AND JUDGMENT AND COMMITMENT - 2

IT IS ORDERED AND ADJUDGED that pursuant to Guideline § 7B1.3(a)(1), the term of supervised release is revoked and the defendant is committed to the custody of the Bureau of Prisons for twenty-four (24) months. No re-imposition of supervised release is ordered. The defendant's 24-month term shall be served consecutive to the sentence he is currently serving in Lane County Circuit Court Case #20-02-18873.

IT IS FURTHER ORDERED that the clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer, and the copy serve as the commitment of the defendant.

Dated: January 14, 2003.


MICHAEL R. HOGAN
United States District Judge

cc: Probation Office
Counsel of Record

Defendant delivered on 2-26-15
to USP Atwater at
Atwater, Ca with a
certified copy of this judgement.
Andre Matevosian, Warden POV/CSO

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AND JUDGMENT AND COMMITMENT - 3